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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,616	01/25/2002	Garrett Storm Dunker		6305

30455 7590 10/30/2003

SEVENTH DAY SKYSTORM  
PMB 546  
4802 E. RAY RD. SUITE 23  
PHOENIX, AZ 85044

EXAMINER .

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
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2673

4

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,616

Applicant(s)

DUNKER, GARRETT STORM

Examiner

RICARDO L OSORIO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: In claim 1, line 4, after sensitivity, the word --and-- should be added. Appropriate correction is required.
2. Claim 2 is objected because it is not clear in the claim language if applicant is trying to list all items (a) through (g) as being used together or alternatively. After carefully reviewing the specification, examiner believes that applicant intended to write the claim in alternative language. For more consistency and clarity, the examiner suggests the following changes:  
In claim 2, line 2, after comprising, add --one of--. This addition will not constitute new matter. Thus, for examination purposes, the language of claim 2 will be considered alternative language.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 2, lines 12-13 recites the following: “any combination of said elevations, said textures, said materials, said temperatures, or said sensors”. In the specification, paragraph 14, lines 3-8, applicant suggests that the raised elevation(s) can be composed of material either similar or dissimilar to the material of the key. However, there is no support in the specification for “any combination of said elevations, said textures, said materials, said temperatures, or said sensors”.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hargreaves et al (5,689,253).

Regarding claim 1, Hargreaves teaches of a human computer keyboard interface device (Fig. 1, reference character 100) comprising:

- (a) a plurality of keys (Fig. 1, reference characters 102, 104 and 106),
- (b) an indicator for identification means for one or more of said keys, whereby said indicator identifies said keys through a means of touch sensitivity (see Figs. 3, and 8-10, and col. 11, lines 25-31, 39-44, 52-55 and 60-62), and
- (c) a placement of said indicator or indicators such that typing efficiency is optimized (col. 11, lines 31-33, 55-60 and 62-64, col. 22, lines 63-65, and col. 23, lines 4-7).

Regarding claim 2, Hargreaves teaches of using touch sensitivity by means of key alteration comprising a difference in elevation on all or part of said keys (see Figs. 3, and 8-10, and col. 11, lines 25-31, 39-44, 52-55, 60-62, and col. 23, lines 4-7).

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hargreaves et al (see above rejection under 35 U.S.C. 102(b)) in view of Lakso et al (5,302,970).

Regarding claim 3, Hargreaves fails to teach using touch sensitivity by means of keyboard alteration comprising of a wall that partly or entirely surrounds said key.

Lakso teaches of using touch sensitivity by means of keyboard alteration comprising of a wall that surrounds the keyboard keys (see col. 2, lines 47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard so that it has the wall surrounding the key, as taught by Lakso, in the device of Hargreaves because having the wall surrounding the key will help propel the user's finger toward the key and will help in not striking more than one key at a time, for example, in the case of a handicap person (see Lakso, col. 2, lines 48-52).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is (703) 305-2248. The examiner can normally be reached on Mon-Thu from 7:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 305-4938.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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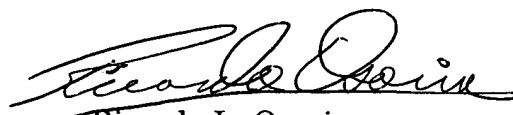
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Washington, D.C. 20231

**or faxed to: (703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service  
Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Ricardo L. Osorio', written over a horizontal line.

Ricardo L. Osorio

Examiner

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RLO

October 28, 2003